



**TESTIMONY ON HB 2476 -1
HOUSE COMMITTEE ON JUDICIARY
MARCH 27, 2025**

Chair Kropf, Vice Chairs Wallan and Chotzen, and Members of the Committee:

My name is Allison Knight, OCDLA'sⁱ Subject Matter Expert on the Chair Kropf's Forensic Behavioral Health workgroup and Lead Mental Health Attorney at Public Defender Services of Lane County.

Oregon is one of many states currently experiencing a competency crisis. In nearly every state, an influx of defendants with serious mental health needs are straining resources for evaluation and treatment services, resulting in long wait times for evaluation and treatment in state hospitals.

This crisis was not born out of statutory timelines or federal court orders, but rather is the result of decades of underinvestment in mental health treatment resources. States have gotten away with failing to invest in these needed resources because the criminal legal system has always been there to pick up the slack - the biggest door to the state hospital has long been the .370 process. This has created a system in which the surest way to receive intensive mental health treatment is to be charged with a crime, resulting in double stigmatization and increased barriers to recovery for the people caught up in this system.

In order to solve the competency crisis, community treatment resources must be made available to everyone, not just those already involved in the criminal legal system. When people with mental illness have access to services that promote recovery and allow them to live dignified lives, they will have less contact with law enforcement and less involvement with the system overall. Until this infrastructure is developed, we will continue to rely heavily on OSH and community restoration to meet treatment needs.

The Mossman order began to shrink the .370 door to OSH. Restricting access to OSH placed a higher emphasis on community restoration - but did not set up sufficient community treatment infrastructure to meet the demand. The current version of the .370 statute places no restriction on the length of time a person can remain under a community restoration order, and no requirements for review of the treatment program to determine whether the services offered are likely to restore the defendant to competency. This has created a warehouse where people charged with crimes who need mental health treatment resources that aren't available in the community can be kept under the court's jurisdiction for years - regardless of the nature or severity of their charge.

We need a clearer directive on the purpose and structure of community restoration in order to hold courts and treatment systems accountable. Until a massive investment in community resources comes to fruition, many people ordered into community restoration are not going to have access to the services needed to regain competency. In order to prevent warehousing in community restoration, the courts need to be required to regularly assess whether the services actually available are serving their intended purpose - to move a person closer to regaining competency. If those services are available, the courts should have options for supporting continued participation in those services. If those services are not available, the courts should be required to order alternatives to community restoration.

HB 2476 -1 provides a framework for community restoration that allows for flexibility while focusing on the need to exit people from community restoration who are unlikely to benefit. The bill requires courts to be involved in the treatment process for individuals placed on community restoration, and to be made aware of problems or additional needs. Regular status check hearings are meant to provide an opportunity for the court to respond to the evolving needs of the defendant and ensure the community mental health treatment provider is offering appropriate services. Regular review hearings require the parties to have an honest conversation about whether the treatment plan offered by community restoration is actually moving a person closer to competency - and if not, to take action. Judges will need to determine whether the purposes of community restoration are being served. The stated purpose of this program is to restore defendants to continue their criminal case.

Allison Knight
Eugene, OR
aknight@lanepds.org

¹ OCDLA's 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys represent Oregon's children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and the appellate level, as well as civil commitment proceedings throughout the state of Oregon. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.